

- ii) an unaltered Clostridial neurotoxin heavy chain which has binding specificity for a target nerve cell; and
- b) a drug or other bioactive molecule joined to the inactivated light chain of said inactive neurotoxin,
wherein said inactive neurotoxin is internalizable by said target nerve cell, thereby lessening the effects of said acute botulinum poisoning.
- G3
Gmt*

REMARKS

Applicants thank Examiner Minnifield for the courtesy extended to Applicants' representative during a telephonic interview on January 20, 2000. During this interview Examiner Minnifield and the undersigned discussed the last remaining ground of rejection of the pending claims under 35 U.S.C. 112(1). Applicant's representative confirmed that the inactivation of the light chain in the pending claims is accomplished by at least one amino acid mutation. Additionally, Applicant's representative indicated that pursuant to the claims one or more additional amino acid mutation may be introduced, and indicated that this language is necessary because, based on the Applicant's disclosure combined with the knowledge of one of ordinary skill in the art, a competitor could easily avoid the language of a narrower claim by, for example, making an insubstantial additional amino acid change in the light chain sequence, or by random mutagenesis.

Accordingly, claims 33, 36, and 42 have been amended to functionally clarify that the light chain is inactivated through the introduction of an amino acid mutation. Examples of such mutations occur in the specification, including originally filed claim 4. These amendments were made to more particularly point out and distinctly claim the subject matter that the Applicants regard as their invention.

Finally, an amendment to the specification has inserted the generic language to accompany the capitalized trademark "BOTOX®" at page 14, line 7, as required by the Examiner. In the only other reference to BOTOX® Applicant was able to find in the specification, also on page 14, the capitalized trademark was already clearly identified as a trademark and accompanied by a generic description.

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